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EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
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2176

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/558,923	Applicant(s) KEMBEL ET AL.	
	Examiner CHAU NGUYEN	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/25/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed on 05/20/2009 has been entered. Claims 51-63 are pending. Claims 1-50 were previously canceled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 51-63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims 51 and 57 contain subject matter "instructions usable by the computing device to present a frame, with associated controls, specifically designed to display therein said Internet content independent of web browser functionality", which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Claims 51-63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims 51 and 57 contain subject matter "instructions usable by the computing device to present a frame, with associated controls, specifically designed to display therein said Internet content independent of web browser functionality", which was not described in the specification in such a way

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as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 51-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al. (Barnett), US Patent No. 6,369,840 and further in view of Stone et al. (Stone), US Patent No. 6,101,510.

7. As to independent claim 51, Barnett discloses in a sever system, a method of providing Internet content of a type which is encoded and formatted for display by a web browser to a user of a computing device (col. 4, lines 61-64: pages are provided for user access and interaction via a browser over the World Wide Web), comprising:

receiving a request from a computing device (Figure 4 and page 8, line 60 – col. 9, line 6: user entering login name and password via HTML page for retrieving user-specific information);

in response to the request, retrieving information comprising (col. 9, lines 2-5: in response to the user entering the information, system 100 retrieves centrally stored

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user-specific information from database, including user preferences and personalized calendar information):

instructions usable by the computing device to present a frame, with associated controls, specifically designed to display therein said Internet content independent of a web browser program (Figures 5-6, and col. 9, lines 10-59: the user-specific information presenting a frame shown in figure 5, the frame includes navigation bar ("my calendar", "event directory", "what's new") and buttons 503, 504, which are considered as controls, and the navigation bar provides links (Internet content) to other pages in the system 100. In addition, Barnett discloses the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30));

instructions usable by the computing device to present said Internet content independent of a web browser program (Figures 5-6, and col. 9, lines 10-59: the user-specific information presenting a frame shown in figure 5, the frame includes navigation bar ("my calendar", "event directory", "what's new") and buttons 503, 504, which are considered as controls, and the navigation bar provides links (Internet content) to other pages in the system 100. In addition, Barnett discloses the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30)); and

an address from which said certain Internet content can be retrieved (col. 9, lines 21-27: navigation bar provides links to other pages in the system); and

transmitting the information to the computing device (Figures 5-6 and col. 9, lines 15: the user-specific information is transmitted and displayed to the user).

Since claim 51 recites “instructions usable by the computing device to present a frame, with associated controls, specifically designed to display therein said Internet content”, one of ordinary skill in the art would acknowledge that presenting a frame and displaying therein Internet content are at least one of web browser functionalities, but they might or might not need a web browser program to present a frame and display therein Internet content. Thus, the claimed language of claim 51 contradicts itself. Therefore, for the purpose of this examination, Examiner interprets “instructions usable by the computing device to present a frame, with associated controls, specifically designed to display therein said Internet content independent of web browser functionality” as “instructions usable by the computing device to present a frame, with associated controls, specifically designed to display therein said Internet content independent of a web browser program”.

Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program.

To support the examiner’s interpretation, Stone discloses a web browser control (software object) allows application program developer to incorporate web browser functionality into application program (Abstract). Stone further discloses in col. 6, lines 1-6 that the web browser control is a software object that encapsulates the functions of a web browser and exposes its functionality through a programming interface. Thus,

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Stone implies that the programming interface can display web browser's content without using a web browser program.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Stone with Barnett to include the user interacting with the system can display Internet content independent of a web browser program. Stone suggests that encapsulating the functions of a web browser would allow application to re-use the web browser control.

8. As to dependent claim 52, Barnett discloses wherein at least a portion of the information further comprises instructions for invoking a first process, resident on said computing device when invoked, the results of which causing a display of said Internet content which is encoded and formatted for display by a web browser program within the frame such that said display is independent of a web browser program (Barnett, Figure 5 shows that when the user click "event directory" from the navigation bar, the results of which being capable of display within the frame shown in Figure 6. Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program).

To support the examiner's interpretation, Stone discloses a web browser control (software object) allows application program developer to incorporate web browser functionality into application program (Abstract). Stone further discloses in col. 6, lines

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1-6 that the web browser control is a software object that encapsulates the functions of a web browser and exposes its functionality through a programming interface. Thus, Stone implies that the programming interface can display web browser's content without using a web browser program.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Stone with Barnett to include the user interacting with the system can display Internet content independent of a web browser program. Stone suggests that encapsulating the functions of a web browser would allow application to re-use the web browser control and create more than one instance of a web browser control.

9. As to dependent claim 53, Barnett discloses wherein at least a portion of the information defines a functionality and an appearance of the frame within which said certain web content is caused to be displayed (Figure 5 and col. 9, lines 10-15: a screen shot of a What's New page 306 show a personalized welcome greeting is displayed, and the information displayed in What's New page is taken from the user's individual records in the database, the user's individual records displays a functionality and an appearance of user's specific information).

10. As to dependent claim 54, Barnett discloses wherein the frame is one of a family of such frames, the family having certain common features and certain unique features, and the information regarding the frame is further limited to those features unique to the

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frame (Figure 5 and col. 9, lines 2-47: the information (frame) displayed in What's New page is taken from the user's individual records, thus each individual record show different information (frame), each individual record having common features such as navigation bar and a personalized welcome greeting, and certain unique features such as my calendar).

11. As to dependent claim 55, Barnett discloses wherein the information further comprises instructions for creating an instance of the common features within and associated with the frame (col. 11, lines 28-35: the user can add individual events to his or her personal calendar).

12. As to dependent claim 56, Barnett discloses wherein each member of the family of such frames has associated therewith certain functionality, and wherein the information further comprises instructions usable by the computing device to invoke a second process capable of coordinating the functionality of the frames (Figures 5-14 show that the user can click on any event on the navigation bar to invoke different process according to the user's selection, and each process capable of displaying the functionality of the frames).

13. As to independent claim 57, Barnett discloses in a server system, a method for providing software components for obtaining by and displaying Internet content on a

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computing device, said Internet content of a type which is encoded and formatted for display by a web browser program, comprising:

receiving a request from a computing device (Figure 4 and page 8, line 60 – col. 9, line 6: user entering login name and password via HTML page for retrieving user-specific information);

in response to the request, retrieving information comprising:

a first computer software component, comprising:

instructions usable by the computing device to display a frame, with associated controls, thereon; and instructions usable by the computing device to display Internet content in said frame independent of web browser functionality (Since claim 57 recites “instructions usable by the computing device to display a frame and display Internet content in said frame”, one of ordinary skill in the art would acknowledge that presenting a frame and displaying therein Internet content are at least one of web browser functionalities, but they might or might not need a web browser program to present a frame and display therein Internet content. Thus, the claimed language of claim 57 contradicts itself. Therefore, for the purpose of this examination, Examiner interprets “instructions usable by the computing device to display a frame and display Internet content in said frame independent of web browser functionality” as “instructions usable by the computing device to display a frame and display Internet content in said frame independent of a web browser program”. Barnett discloses in Figures 5-6, and col. 9, lines 10-59: the user-specific information presenting a frame shown in figure 5, the frame includes navigation bar (“my calendar”, “event directory”, “what’s new”) and

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buttons 503, 504, which are considered as controls, and the navigation bar provides links (Internet content) to other pages in the system 100. In addition, Barnett discloses the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30));

in response to the request, transmitting the information to the computing device (Figures 5-6 and col. 9, lines 15: the user-specific information is transmitted and displayed to the user).

However, Barnett does not explicitly disclose a second computer software component, separate from the first computer software component, comprising data and instructions defining said frame and associated controls for use by said first computer software component for generating a display of said frame and associated controls independent of a web browser program; an Internet address at which Internet content for display in said frame is stored; and instructions for retrieving said Internet content for use by said first computer software component for generating a display of said Internet content within said frame independent of a web browser program.

Since Barnett discloses the first software that displays a frame, with associated controls, and displays Internet content in said frame independent of a web browser program, thus, there must be another software (2nd software) that defines the frame and associated controls. To support the examiner's interpretation, Stone discloses a web browser control (software object) allows application program developer to incorporate web browser functionality into application program (Abstract). Stone further discloses in

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col. 6, lines 1-6 that the web browser control is a software object that encapsulates the functions of a web browser and exposes its functionality through a programming interface. Thus, Stone implies that the programming interface can display web browser's content without using a web browser program. Stone discloses hypertext viewer 46 contained in browser control server 42 (1st software) parses and renders HTML code and displays the document of the HTML code and related graphical content in the frame created by the application 44 (2nd software) (col. 9, lines 37-58). Stone further discloses the application 44 (2nd software) creates the frame and the hypertext viewer from the browser control server 42 (1st software) is invoked to display the current page (col. 9, lines 37-58). Stone further discloses that to navigate to a specified URL, the application program (2nd software) provides the URL of the document that it wants to retrieve (col. 8, lines 56-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Stone with Barnett to include a second computer software component, separate from the first computer software component, comprising data and instructions defining said frame and associated controls for use by said first computer software component for generating a display of said frame and associated controls independent of a web browser program; an Internet address at which Internet content for display in said frame is stored; and instructions for retrieving said Internet content for use by said first computer software component for generating a display of said Internet content within said frame independent of a web browser

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program for the purpose of allowing the application program (2nd software) to request any of the services of the browser control.

14. As to dependent claim 58, Barnett, however, does not explicitly disclose wherein at least a portion of the second computer software component defines a functionality and an appearance of the frame within which said certain web content is caused to be displayed, said functionality and said appearance being unique to said second computer software component.

In the same field of endeavor, Stone discloses a re-useable browser control provides the functionality of a web browser to application program (2nd software), and the browser control is a software object that encapsulates the functions of a web browser and exposes its functionality through a programming interface (col. 5, line 66 - col. 6, line 6). Stone further discloses the application program (2nd software) asks the browser control server (1st software) to create an instance of the browser control, and each instance of the control has its own data (unique data) such as the URL of the HTML document, and the HTML contained in the document (col. 8, lines 10-55). Stone further discloses the HTML viewer 46 (included in the browser control server) determines the layout and appearance of the document and renders the documents (col. 16, lines 64-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Stone with Barnett to include at least a portion of the second computer software component defines a functionality and an

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appearance of the frame within which said certain web content is caused to be displayed, said functionality and said appearance being unique to said second computer software component for the purpose of allowing the application program (2nd software) to request any of the services of the browser control.

15. As to dependent claim 59, Barnett, however, does not explicitly disclose wherein said frame defined by said second computer software component is one of a family of such frames, each element of the family having certain common features and certain unique features within and associated with a frame, and further wherein the data and instructions defining said frame and associated controls provided by said second software component are limited to those features unique to the frame.

Stone discloses the application program (2nd software) supports the presentation of the web browser control on the display of the computer by creating a window for an instance of the control, which displays its output and interacts with the user through a frame (col. 3, lines 39-44). Stone further discloses the browser control's programming interface (frame) is comprised of member functions (also referred to as "method"), properties and events, and the methods include Navigate, GoBack, GoForward, GoHome, GoSearch, Refresh and Stop (common features) (col. 6, lines 7-50). Stone further discloses each frame of the control has its own data such as the URL of the HTML document, and the HTML contained in the document, and each instance generates its own events (col. 8, lines 24-39).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Stone with Barnett to include said frame defined by said second computer software component is one of a family of such frames, each element of the family having certain common features and certain unique features within and associated with a frame, and further wherein the data and instructions defining said frame and associated controls provided by said second software component are limited to those features unique to the frame. The browser control provides these features in the form of high level requests for browsing service, and the browser control is re-useable so programmers can incorporate this control as often as they want in application programs.

16. As to dependent claim 60, Barnett discloses wherein the instructions provided by said first computer software component further comprises instructions for creating an instance of the common features within and associated with the frame (Figure 5 and col. 9, lines 2-47, and col. 18, line 37 – col. 19, line 8: the information (frame) displayed in What's New page is taken from the user's individual records, thus each individual record show different information (frame), each individual record having common features such as navigation bar and a personalized welcome greeting, and certain unique features such as my calendar).

17. As to dependent claim 61, Barnett discloses wherein each member of the family of such frames has associated therewith certain functionality, and wherein the

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instructions provided by said first computer software component further comprises instructions usable by the computing device to invoke a process for coordinating the functionality of various frames displayed by the computing device (col. 19, line 9 – col. 20, line 19: invoking template engine passing it the template file name, template map and custom template data object. In addition, Stone discloses displaying two different HTML documents at once by creating two instances of the browser control and then invoking the navigate method on the interface of each instance of the control (col. 8, lines 24-39).

18. As to dependent claim 62, Barnett, however, does not explicitly disclose wherein said second computer software component is stored on a server forming part of said server system having a first Internet address, and said Internet address at which said Internet content for display in said frame is stored in a second Internet address different than said first Internet address.

Stone discloses the URL (Internet address) provided by the application (2nd software) refers to an HTML document stored in a remote computer (server) (col. 9, lines 13-23). Stone further discloses the URL (that was navigated to) can be different than the URL the browser was told to navigate to (col. 19, lines 23-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Stone with Barnett to include second computer software component is stored on a server forming part of said server system having a first Internet address, and said Internet address at which said Internet content

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for display in said frame is stored in a second Internet address different than said first Internet address for the purpose of redirecting the browser to a different URL.

19. As to dependent claim 63, Stone discloses wherein said first computer software component is also stored on said server forming part of said server system having said first Internet address (Stone discloses the URL (Internet address) provided by the application (2nd software) refers to an HTML document stored in a remote computer (server) (col. 9, lines 13-23). Stone further discloses the URL (that was navigated to) can be different than the URL the browser was told to navigate to (col. 19, lines 23-30)).

Response to Arguments

In the remarks, Applicant argued in substance that

A) The cited combination of references fails to teach or suggest instructions which would be operable on the Internet content of a type which is encoded and formatted for display by a web browser program and which cause that content to be displayed "independent of web browser functionality".

In reply to argument A, since claimed language recites "instructions usable by the computing device to present a frame, with associated controls, specifically designed to display therein said Internet content", one of ordinary skill in the art would acknowledge that presenting a frame and displaying therein Internet content are at least one of web browser functionalities, but they might or might not need a web browser program to

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present a frame and display therein Internet content. Thus, the claimed language of claim 51 contradicts itself. Therefore, for the purpose of this examination, Examiner interprets “instructions usable by the computing device to present a frame, with associated controls, specifically designed to display therein said Internet content independent of web browser functionality” as “instructions usable by the computing device to present a frame, with associated controls, specifically designed to display therein said Internet content independent of a web browser program”. In this case, Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program.

B) Barnett and Stone, taken alone or in combination, fail to teach or suggest instructions for presenting, independent of browser functionality, Internet content of a type which is typically displayed by a web browser program.

In reply to argument B, this argument is similar to argument A, which is already addressed above. Please see reply to argument A above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Laurie Ries/
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5 August 2009